



PTO/SB/01A (08-03)
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 US Patent and Trademark Office, US Department of Commerce

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET 937 CFR 1.76)

Title **Tools for Implanting an Artificial Vertebral Disk and Method**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 10/685,134, filed on October 14, 2003,
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC 1001, and may jeopardize the validity of the application of any patent issuing thereon.

FULL NAME OF INVENTOR(S)	
Inventor One: <u>James F. Zucherman</u>	Date: <u>3/11/04</u>
Signature: <u>[Signature]</u>	Citizen of: <u>US</u>
Inventor Two: <u>Ken Y. Hsu</u>	Date: <u>8-16-04</u>
Signature: <u>[Signature]</u>	Citizen of: <u>US</u>
Inventor Three: <u>Charles J. Winslow</u>	Date: _____
Signature: _____	Citizen of: <u>US</u>
Inventor Four: <u>Scott A. Yerby</u>	Date: _____
Signature: _____	Citizen of: <u>US</u>
Inventor Five: <u>Steve Mitchell</u>	Date: _____
Signature: _____	Citizen of: <u>US</u>
Inventor Six: <u>John Flynn</u>	Date: _____
Signature: _____	Citizen of: <u>US</u>

Send completed forms to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

SAS/KLYCD-05009US1/Declaration

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FULL NAME OF INVENTOR(S)

Inventor One: James F. Zucherman Date: _____

Signature: _____ Citizen of: US

Inventor Two: Ken Y. Hsu Date: _____

Signature: _____ Citizen of: US

Inventor Three: Charles J. Winslow Date: 3/12/04

Signature: Charles J. Winslow Citizen of: US

Inventor Four: Scott A. Yerby Date: 3/12/04

Signature: Scott A. Yerby Citizen of: US

Inventor Five: Steve Mitchell Date: 2-12-04

Signature: Steve Mitchell Citizen of: US

Inventor Six: John Flynn Date: 3-12-04

Signature: John Flynn Citizen of: US

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